

**COMPLAINT INVESTIGATION SUMMARY**

**COMPLAINT NUMBER:** 1611.00  
**COMPLAINT INVESTIGATOR:** Steve Starbuck  
**DATE OF COMPLAINT:** August 30, 2000  
**DATE OF REPORT:** September 27, 2000  
**REQUEST FOR RECONSIDERATION:** no  
**DATE OF CLOSURE:** October 16, 2000

**COMPLAINT ISSUES:**

Whether the Indiana Department of Education, Division of Special Education violated:

511 IAC 7-12-1 by failing to comply with the student's individualized education program (IEP).

**FINDINGS OF FACT:**

1. The student is nine years old and has been determined eligible for special education due to autism and a communication disorder.
2. The complainant alleges that the Indiana Department of Education failed to comply with the Student's IEP. The letter of complaint provides no additional details on the specific nature of the non-compliance. The Division's assistant director and the complaint investigator were unsuccessful in their attempts to obtain additional details from the complainant about the allegation. The Complainant declined to include the local school corporation in the complaint.
3. On September 12, 2000, the Division received a list of concerns from the complainant, but it did not address the Division's alleged failure to implement the Student's IEP. The concerns identified by the Complainant included medical expenses incurred by the Student, the qualifications of respite personnel, and recovery of the complainant's lost income.
4. Pursuant to an application from the local school corporation, the Division is one of the funding sources for some of the services the Student receives. However, the Division is not a member of the Student's CCC and did not participate in the development of the Student's IEP.
5. None of the IEPs submitted by the school for the 1999-2000 school year indicate the Department of Education or its Division of Special Education was responsible to implement any of the provisions of the Student's IEPs.
6. The Indiana Department of Education/Division of Special Education does not operate any schools.

**CONCLUSION:**

Findings of Facts # 2, #3, #4, # 5, and #6 indicate that, although the Division directly funds some of the services the Student receives, none of the Student's IEPs for the 1999-2000 school year identify the Division as being the party responsible for implementing any of the provisions contained in the IEPs. Therefore, no violation of 511 IAC 7-12-1 is found.

**The Department of Education, Division of Special Education, requires no corrective action based on the Findings of Fact and Conclusions listed above.**

